IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 14 OF 2007

COMMUNIDADE OF CAVELOSSIM
REPRESENTED BY ATTORNEY MR.
AVILASH RODRIGUES ... Appellant

Versus

LAND ACQUISITION OFFICER AND DY.
COLLECTOR (DEV) AND 7 ORS ... Respondents

Mr. M. B. D'Costa, Senior Advocate with Mr. John Abreu Lobo, Advocate for the appellant.

Mr. Valmiki Menezes, Advocate for the respondents No.3 to 8(a).

Coram:- R. S. MOHITE, J.

Date:- 30th August, 2007

P.C.

This appeal arises from an order refusing injunction against erection of a hut. As per the application for temporary injunction, a hut was sought to be erected by the respondents No.3 to 8(a) along with 12 to 15 immigrant labourers on 7.6.05. He, however, admits that the hut is already erected. The advocate for the respondents states that the alleged hut is really a structure in the nature of a tool shed. He, however, makes a categorical statement that no further construction will be made on survey Nos. 131/1 and 131/3, pending the disposal of the suit. The statement is accepted.

2. Advocate for the appellant further states that he had prayed for an injunction against creating any third party rights. It does appear from the record that the respondents No.3 to 8(a) are claiming to be the tenants, though this aspect is controverted by the present appellant who claims that the respondents only have licence to pluck fruits.

3. Be that as it may, even assuming that the respondents No.3 to 8(a) are tenants, it would be proper at this stage that they do not create any third party right. It is, therefore, directed that the respondents No.3 to 8(a)shall not create any third party rights pending the disposal of the Regular Civil Suit No.12/2005/I, which is pending in the Court of District Judge, South Goa, at Margao. It is made clear that bringing labourers for the purpose of plucking of cashews and carrying out other agricultural activities, in normal course, will not amount to creating any third party rights. The appeal from order is disposed off accordingly with the acceptance of statement and directions as aforesaid.

R. S. MOHITE, J.

ssm.